

SECOND REGULAR SESSION

HOUSE BILL NO. 2288

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

6534L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 506.150, RSMo, and to enact in lieu thereof one new section relating to service of process in civil actions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 506.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 506.150, to read as follows:

506.150. 1. The summons and petition shall be served together. Service shall be made as follows:

(1) Upon an individual, including an infant or disabled or incapacitated person not having a legally appointed guardian or conservator, by delivering a copy of the summons and of the petition to him personally or by leaving a copy of the summons and of the petition at his dwelling house or usual place of abode with some person of his family over the age of fifteen years, or by delivering a copy of the summons and of the petition to an agent authorized by appointment or required by law to receive service of process;

(2) If the infant or disabled or incapacitated person has a legally appointed conservator, by serving a copy of the summons and of the petition on such conservator as provided in subdivision (1) of this subsection;

(3) Upon a domestic or foreign corporation or upon a partnership, or other unincorporated association, when by law it may be sued as such, by delivering a copy of the summons and of the petition to an officer, partner, a managing or general agent, or by leaving the copies at any business office of the defendant with the person having charge thereof, or to any other agent authorized by appointment or required by law to receive service of process and,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 if the agent is one authorized by statute to receive service and the statute so requires, by also
18 mailing a copy to the defendant;

19 (4) Upon a domestic corporation that has been dissolved according to law, by delivering
20 a copy of the summons and of the petition to the last registered agent of the corporation or upon
21 the secretary of state, and if upon the secretary of state, the secretary of state shall send a copy
22 of the summons and petition by registered mail, requesting a return receipt signed by addressee
23 only, addressed to each member of the last board of directors of the corporation at the address
24 of such directors, as shown by the secretary of state's records;

25 (5) Upon a public, municipal, governmental, or quasi-public corporation or body, by
26 delivering a copy of the summons and of the petition to the clerk of the county commission in
27 the case of a county, to the mayor or city clerk or city attorney in the case of a city, and to the
28 chief executive officer in the case of any other public, municipal, governmental or quasi-public
29 corporation or body. If there is, for the time being, no such officer as is specified by this
30 subdivision, the court may designate an appropriate officer to whom the copies of the summons
31 and petition may be delivered in order to effect service.

32 2. When a defendant shall acknowledge in writing, endorsed on the writ, signed by his
33 own proper signature, the service of such writ, and waive the necessity of the service thereof by
34 an officer, such acknowledgment shall be deemed as valid as service in the manner provided by
35 law.

36 3. In all cases when the defendant shall refuse to hear the writ read or to receive a copy
37 of the writ or petition, the offer of the officer to read the same or to deliver a copy thereof, and
38 such refusal, shall be sufficient service of such writ.

39 4. Service of the summons and petition upon a defendant of any class referred to in
40 subdivision (1) or (3) of subsection 1 of this section may be made by the plaintiff or by any
41 person authorized to serve process pursuant to section 506.140, by mailing a copy of the
42 summons and petition by [first-class] **certified mail with return receipt requested**, postage
43 prepaid, to the person to be served, together with two copies of a notice and acknowledgment
44 conforming substantially to the form contained in subsection 5 of this section and a return
45 envelope, postage prepaid, addressed to the sender. If no acknowledgment of service under this
46 subsection is received by the sender within thirty days after the date of mailing, service of the
47 summons and petition shall be made as otherwise provided by this section or supreme court rule.
48 Unless good cause is shown for not doing so, the court shall order the payment of the costs of
49 personal service by the person served if such person does not complete and return within thirty
50 days after mailing the notice and acknowledgment of receipt of summons.

51 5. The acknowledgment form required by subsection 4 of this section shall be
52 substantially as follows:

53 Notice and Acknowledgment for Service by Mail
54 Circuit Court for County
55 Division
56 Civil Action, File Number
57 A.B.,)
58)
59 Plaintiff,)
60 vs.)
61 C.D.,)
62)
63 Defendant.)

64 NOTICE AND ACKNOWLEDGMENT
65 OF RECEIPT OF SUMMONS
66 AND PETITION NOTICE
67

68 TO: (Insert the name and address of the person to be served.)

69 The enclosed summons and petition are served pursuant to section 506.150, RSMo.

70 You must complete the acknowledgment part of this form and return one copy of the
71 completed form to the sender within thirty days.

72 You must sign and date the acknowledgment. If you are served on behalf of a
73 corporation, unincorporated association, including a partnership, or other entity, you must
74 indicate under your signature your relationship to that entity. If you are served on behalf of
75 another person and you are authorized to receive process, you must indicate under your signature
76 your authority.

77 If you do not complete and return the form to the sender within thirty days, you or the
78 party on whose behalf you are being served may be required to pay any expenses incurred in
79 serving a summons and petition in any other manner permitted by law.

80 If you do complete and return this form, you or the party on whose behalf you are being
81 served must answer the petition within thirty days. If you fail to do so, judgment by default will
82 be taken against you for the relief demanded in the petition.

83 I declare, under penalty of filing a false affidavit, that this Notice and Acknowledgment
84 of Receipt of Summons and Petition was mailed on (insert date).

85
86

87 Signature

88

89

90 Relationship to Entity/Authority to Receive Service of Process

91

92

93 (Date of Signature)

✓